

Assembly Bill No. 52

Passed the Assembly September 8, 2003

Chief Clerk of the Assembly

Passed the Senate September 4, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 42239 of, and to repeal Section 37252.2 of, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 52, Simitian. Supplemental instruction.

(1) Existing law requires a school district to offer supplemental instruction to pupils in grades 2 to 9, inclusive, who are recommended for retention or who are retained in the same grade.

This bill would repeal that provision and make conforming changes in a related provision.

(2) Existing law requires the Superintendent of Public Instruction to use available funding appropriated for purposes of certain supplemental instruction programs if funding is insufficient to pay all claims made for certain other supplemental instruction programs. Existing law requires the superintendent to notify the Director of Finance if there is a deficiency of funding for purposes of certain supplemental instructional programs only after all available balances of appropriations for the current or prior fiscal years are exhausted.

This bill would also require notification 30 days before it is necessary to use available funding for supplemental instruction.

(3) This bill would become operative only if SB 19 is enacted and becomes effective on or before January 1, 2004.

The people of the State of California do enact as follows:

SECTION 1. Section 37252.2 of the Education Code is repealed.

SEC. 2. Section 42239 of the Education Code is amended to read:

42239. For the 2000–01 fiscal year, and each fiscal year thereafter, the Superintendent of Public Instruction shall compute funding for supplemental instruction for each school district or charter school in the following manner:

(a) Multiply the number of pupil hours of supplemental instruction claimed pursuant to Sections 37252 and 37252.5 by the pupil hour allowance specified in subdivision (c) or by a pupil hour



allowance specified in the annual Budget Act instead of the amount computed in subdivision (c).

(b) Multiply the number of pupil hours of supplemental instruction claimed pursuant to Sections 37252.6 and 37253 by the pupil hour allowance specified in subdivision (c) or by a per-pupil hour allowance specified in the annual Budget Act instead of the amount computed in subdivision (c). The total number of pupil hours of supplemental instruction that may be claimed pursuant to Section 37253 may not exceed the limits on pupil hours that may be claimed as established by subdivisions (c) and (d) of Section 37253. The total number of pupil hours of supplemental instruction that may be claimed pursuant to Section 37252.6 may not exceed the limits on pupil hours that may be claimed as established in subdivision (g) of that section.

(c) Commencing with the 2000–01 fiscal year, hours of supplemental instruction shall be reimbursed at a rate of three dollars and twenty-five cents (\$3.25) per pupil hour, adjusted in future years as specified in this section, provided that a different reimbursement rate may be specified for each fiscal year in the annual Budget Act that appropriates funding for that fiscal year. This amount shall be increased annually by the percentage increase pursuant to subdivision (b) of Section 42238.1 granted to school districts or charter schools for base revenue limit cost-of-living increases.

(d) (1) If appropriated funding is insufficient to pay all claims made in any fiscal year pursuant to Section 37252 or 37252.5, the superintendent shall use any available funding appropriated for the purposes of reimbursing school districts pursuant to Section 37252, Section 37252.5, or subdivision (d) of Section 37253.

(2) If appropriated funding is still insufficient to pay all claims made in any fiscal year pursuant to Section 37252 or 37252.5, the superintendent shall use any available funding appropriated for the purposes of reimbursing school districts for supplemental instruction in the prior fiscal year.

(3) If appropriated funding is still insufficient to pay all claims made in any fiscal year pursuant to Section 37252 or 37252.5, the superintendent shall use any available funding appropriated for the purposes of reimbursing school districts for supplemental instruction in the current fiscal year.



(4) The superintendent shall notify the Director of Finance 30 days before it is necessary to use available funding for supplemental instruction pursuant to this subdivision. The notice shall specify the dollar amount of claims that were met, the section for which the claims were submitted, and the item of appropriation that was used.

(5) The superintendent shall notify the Director of Finance that there is a deficiency of funding appropriated for the purposes of Sections 37252 and 37252.5 only after the superintendent has exhausted all available balances of appropriations made for the current or prior fiscal years for the reimbursement of school districts for supplemental instruction.

(e) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

SEC. 3. This act shall become operative only if Senate Bill 19 is enacted and becomes effective on or before January 1, 2004.



Approved _____, 2003

Governor

